

1/19/05 1505-68152-01 346164

Attorney Reference Number 1505-68152-01
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Wybourne et al.

Application No. 10/816,603

Filed: April 2, 2004

Confirmation No. 9819

For: SCAFFOLD-ORGANIZED METAL, ALLOY,
SEMICONDUCTOR AND/OR MAGNETIC
CLUSTERS AND ELECTRONIC DEVICES
MADE USING SUCH CLUSTERS

Examiner: Bennett M. Celsa

Art Unit: 1752

Attorney Reference No. 1505-68152-01

MAIL STOP AMENDMENT
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney
for Applicants

Date Mailed January 19, 2005

TRANSMITTAL LETTER

Enclosed for filing in the application referenced above are the following:

- ☒ Response to Restriction Requirement
- ☒ Small entity status is claimed for this application.
- ☒ A check in the amount of \$60.00 to cover the one-month extension fee
- ☒ Applicants petition for an extension of time for one month. If an additional extension of time is required please consider this a petition therefor.
- ☒ The Director is hereby authorized to charge any additional fees that may be required, or credit over-payment, to Deposit Account No. 02-4550. A copy of this sheet is enclosed.
- ☒ Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By

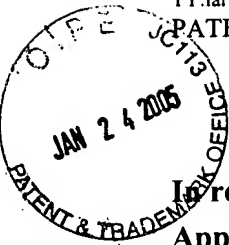
Travis Young, Ph.D.
Registration No. 53,819

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60.00 DP

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Docketing



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Examiner: Bennett M. Celsa

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RESPONSE TO RESTRICTION REQUIREMENT

In response to the Restriction Requirement dated November 19, 2004, applicants hereby elect with traverse the group wherein the biomolecular scaffold is a polypeptide, the specific metal species is Au; and the class of ligand is thiol. Applicants further elect the species wherein the polypeptide is polylysine for examination on the merits. All claims, i.e. claims 1-3 read on the elected species.

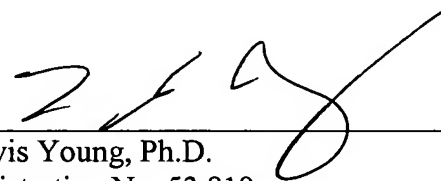
Applicants traverse this requirement for restriction because there is no basis for restricting between the species comprised in generic claim 1. Only where an unduly extensive and burdensome search is required is restriction of such a generic claim allowed. *See*, MPEP 808.01 and 809.02(d).

The Examiner is invited to telephone the undersigned if further issues remain prior to substantive examination of the present claims.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

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